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ABSTRACT

Reference materials for the educator who has an employment-related grievance are presented. Basic principles and rights of employment and general procedures for filing a grievance both within and outside an employing institution are examined. The procedures apply for educators at the K-12 level, in higher education, and in social service agencies. Basic principles and rights of women as employees are considered, and key federal laws and executive orders that prohibit sex-based discrimination are reviewed. The addresses of relevant federal and state agencies, sample grievance forms, and sample grievance procedures for colleges, universities, secondary/elementary schools, and government agencies are included. (SW)

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ED 191 345

A GRIEVANCE HANDBOOK FOR WOMEN EDUCATORS

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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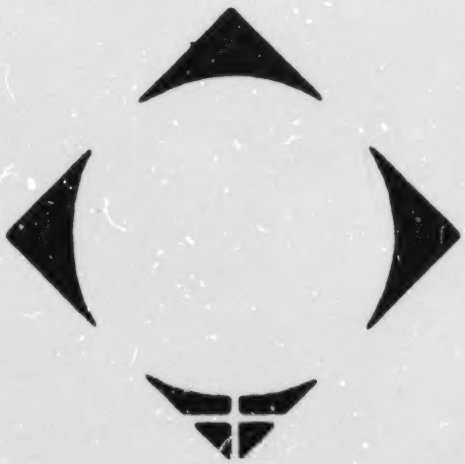

Prepared by

NATIONAL ASSOCIATION FOR WOMEN DEANS, ADMINISTRATORS, AND COUNSELORS

Commission on Professional Employment Practices

March 1977

HE 012 760

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March 1977

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INTRODUCTION

This handbook is designed to serve as a reference and guide for the educator who has an employment-related grievance. The book's primary purpose is to anticipate and answer questions about why, when, where and how to file a grievance.

A grievance is a complaint which an employee formally files when the person believes he/she has been discriminated against and has been treated unjustly in opportunities for promotion, aid, benefits, salary, tenure or employment continuation.

Any one school system or institution may have some unique grievance-filing requirements. This handbook neither could nor does address all such variables. Instead, it provides a framework of general step-by-step procedures to follow to seek grievance resolution.

The procedures outlined in the handbook apply for educators at the K-12 level, in higher education and in social services agencies.

Basic principles and rights of women as employees are presented. The handbook also reviews the key federal laws and executive orders which prohibit sex-based discrimination. These laws are the foundation which assure all persons of their legal protection and which assure enforcement of their rights as employees.

SECTION I

BASIC PRINCIPLES AND RIGHTS OF EMPLOYMENT

The law states women, like men, have the right to equal employment opportunities -- the right to opportunities in hiring, in equal pay for comparable work performed, in job advancement, in fringe benefits.

Knowing the law provides women with one tool by which to protect their job rights; using the law provides them with another. The purpose of this section is to help women educators become acquainted with federal laws.

Nearly a dozen federal rules and regulations are related in some way to employment. They cover such areas as age discrimination, minimum wage, discrimination related to physical handicap, occupational safety and health, social security.

Four specific, major federal regulations are reviewed below. They are the key laws and executive orders which prohibit sex-based discrimination.[1] Together, they comprise the basic equal opportunity/ affirmative action framework within which America's schools, colleges and universities are held accountable. They are the legal protection women most often rely upon when filing a complaint regarding sex discrimination in employment.

Equal Employment Opportunity Act of 1972 (Title VII)

Name

The Equal Employment Opportunity Act, which became law in March 1972, amended Title VII of the Civil Rights Act of 1964. It therefore commonly is referred to simply as Title VII.

Purpose

Title VII prohibits discrimination based on sex, race, color, religion or national origin in all aspects of recruitment, hiring, employment and promotion. It applies to all educational institutions, public and private with 15 or more employees; it covers all employees. More specifically, an employing school or college acts unlawfully if it discriminates in any of the following: hiring; firing; layoff; recall; salary; fringe benefits (including accident, hospital, medical and life insurance; overtime work and pay; time and pay for sick leave and for vacation; and retirement age privileges); referring, classifying, assigning and promoting employees; assigning or extending use of facilities; training, retraining and apprenticeships; or any other term, condition or privilege of employment.

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[1] Two of the four also are the key regulations which specifically prohibit discrimination based on race, color, religion or national origin.

Of related interest to Title VII are the "Guidelines on Discrimination Because of Sex," Title VII, an interpretation of the Law.

The Guidelines acknowledge primarily one condition wherein sex is a bona fide occupational qualification (bfoq) for limiting a job to one sex: i.e., when necessary for purposes of authenticity or genuineness, as in modeling or acting. Not acceptable as rationale for limiting a job to one sex are the following: assumptions related to sex (e.g., job turnover rates are higher for women than men); preferences of co-workers employer, clients or customers; state protective labor laws which conflict with and are superseded by Title VII; physical facilities for both sexes are not available.

The Guidelines interpret these employment practices as unlawful: advertising and classifying jobs as male or female; maintaining separate seniority lists and lines of progression; forbidding or restricting employment of married women but not married men; conditioning the granting of benefits upon whether an employee is "head of a household" or "principle wage earner;" differentiating between benefits made available to spouses and families of male employees and those of female employees; maintaining a retirement plan with different retirement ages and different benefits based on sex; excluding applicants or employees from work because of pregnancy; treating pregnancy, miscarriage, abortion, childbirth and recovery therefrom as conditions different from temporary disability.

Enforcer

Enforcement agent for Title VII is the Equal Employment Opportunity Commission (EEOC). See Appendix A for the addresses and phone numbers of the seven EEOC regional offices serving the United States.

Procedures

To file a complaint with EEOC under Title VII, the aggrieved individual(s) must complete and submit a sworn "Charge of Discrimination" form with EEOC.

The complaint must be filed within 180 days of the alleged discriminatory act. In states which have fair employment laws with sanctions comparable to those of Title VII, EEOC automatically defers investigation to the state agency (e.g., Fair Employment Practices Commission) for 60 days. EEOC then handles the charges unless the state still is involved actively in the case.

Following its investigations, EEOC strives first for conciliation. If the attempt fails, EEOC or the Attorney General may file suit. The aggrieved individual(s) may initiate suits also.

EEOC divulges the complainant's name at the time of its investigation. It does not make the charges public nor any of its efforts during conciliation. Confidentiality requirements do not bind upon the aggrieved or respondent.

Name

Equal Pay Act of 1963 as amended

The Equal Pay Act became effective for nonprofessional workers in June 1964. The Act was amended in July 1972 (by the Education Amendments of 1972) to include administrative, executive and professional workers.

The Equal Pay Act of 1963 itself, amended the Fair Labor Standards Act to prohibit sex-based discrimination in earnings, including overtime pay and most fringe benefits.

Purpose

The Equal Pay Act requires that women and men who do substantially the same work under similar conditions in the same employment site receive the same pay. Their work need not be identical. For equal pay, it is sufficient that their jobs require equal skill, effort and responsibility.

Not prohibited by the Act are wage differentials based on bona fide merit or seniority systems.

The Act covers all employees of all institutions, public and private, at all educational levels.

Enforcer

The Wage and Hour Division of the U.S. Department of Labor enforces the Act. The Division has at least one field office in each state.

Procedures

No formal procedure exists for filing a complaint with the Wage and Hour Division. Complaints may be filed in person, by telephone or by letter. They should be made to the nearest field office of the Wage and Hour Division.

No official time limit exists for filing a complaint or reporting a violation of the Equal Pay Act to the Wage and Hour Division. Should a complainant bypass this procedure and retain an attorney, however, the lawsuit must be brought within two years of the violation. This is due to the Act's statute of limitations of two years for recovery of back pay (three years for willful violation).

Usually the Wage and Hour Division conducts a review of the entire institution following receipt of a complaint. Since the agency needs no complaint to initiate a review, the institution may or may not know that a violation was reported. However, the agency keeps the identity of a complainant (and of the employer) in strict confidence. Identity of the parties involved becomes public only if the case becomes a matter for court action.

The enforcement agency strives first for voluntary compliance if a violation is ascertained. The employer is asked to raise salaries and award back pay to the underpaid employee(s). If voluntary compliance is not effected, the Department of Labor may bring suit in court. As noted earlier, individual complainant(s) may file a private suit under the law also.

Name

Executive Order 11246 as Amended

President Lyndon B. Johnson issued Executive Order 11246 in September 1965. Two years later, the President amended the Order (via Executive Order 11375) to extend its coverage to sex-based discrimination.

While not law per se, executive orders have the effect of law. They are presidential directives. Thus, Executive Order 11246 as amended, sets forth regulations to which federal contractors must adhere if they want federal dollars.

Purpose

Executive Order 11246 prohibits discrimination in employment on the basis of sex, race, color, religion and national origin. It additionally requires that employers take affirmative action wherever necessary to remedy the effects of past discrimination and to ensure equal opportunity in employment.

The Order's prohibitions and requirements include but are not limited to employment, promotion, demotion or transfer; recruitment or recruitment advertising; layoff or termination pay rates or other compensation forms; and selection for training, including apprenticeship.

Executive Order 11246 applies to all educational institutions holding federal contracts of over $10,000, and covers all employees therein. Even when an institution holds just one contract in one department, the entire institution is subject to the Executive Order's provisions.

Enforcer

The Office of Federal Contract Compliance (OFCC), Department of Labor, is responsible for the administration of the Order. OFCC, in turn, has designated the Office for Civil Rights (OCR) of the Department of Health, Education and Welfare (HEW) as the enforcement agency.

In actuality, HEW's Office for Civil Rights handles class complaints filed under the Order, as well as all investigative work; individual complaints are referred to the Equal Employment Opportunity Commission (EEOC). As noted earlier, EEOC enforces Title VII of the Civil Rights Act. In large measure, Executive Order 11246 covers nearly all the same discriminatory concerns as does Title VII. Thus, to reduce duplication of effort and to enhance information exchange, OFCC and EEOC work cooperatively in the processing of complaints received.

Procedures

Complaints, by individuals or groups, can be filed by letter with either the U.S. Secretary of Labor or with the Secretary of HEW. The complaint should be filed within 180 days of the alleged discrimination.

Enforcement rests primarily in the compliance agency's power to cancel a current federal contract held by an institution, to delay a new contract, or to withhold the institution's eligibility for future contracts. HEW's Office for Civil Rights will seek back pay only for persons not previously protected by other laws which grant back pay.

The identity of the complainant usually is given to the institution.

Name

Title IX, Education Amendments of 1972 as amended

Title IX was enacted in 1972 and amended in 1974. The final regulations for its implementation became effective July, 1975.

Purpose

Title IX prohibits sex-based discrimination against students and employees in all federally-assisted education programs or activities. The Act's employment coverage includes all employees, full and part-time, in all educational institutions except two--military schools, and religious schools to the extent that compliance would violate their religious tenets.

Prohibited is sex discrimination in all aspects of employment, namely, advertising and recruitment, job application processes, job criteria, hiring and firing, salary, work assignments, tenure, seniority, promotion, leave, fringe benefits and any other term, condition or privilege of employment. Also prohibited are employment policies regarding the present or potential marital, parental or family status of job applicants and/or employees which differentiate the sexes. The Act also requires the employing institution to adopt and publish grievance procedures by which to resolve employee complaints alleging actions prohibited by Title IX.

In addition to its employment provisions, Title IX regulations address eight categories which apply directly to students: admissions, housing and facilities, courses and other educational activities, counseling, financial aid, health and insurance benefits, marital or parental status, athletics. Details of these categories are not discussed here since the emphasis of this handbook is employment grievances.

Enforcer

The U.S. Department of Health, Education and Welfare (HEW) is Title IX's enforcement agency. HEW presently uses the procedures of Title VI of the Civil Rights Act of 1964 as its Title IX enforcement procedures.

Procedures

While Title IX requires institutions to provide grievance procedures for employees' use, it does not require the employee to pursue and exhaust all such administrative avenues before going to HEW. Discrimination complaints must be filed with HEW within 180 days of the alleged discrimination.

HEW conducts a broad-based investigation of the employing institution or school district if it believes a complaint is substantial. If the investigation reveals that discrimination does exist, HEW first tries to secure the employer's voluntary compliance. If voluntary compliance fails, HEW has two other options. It can begin administrative hearings leading toward termination of the federal financial assistance which the institution receives. HEW's second option is referral, either to state or local authorities for action, or to the U.S. Department of Justice for possible federal prosecution.

Complaints may be filed by letter with HEW by individuals and/or organizations on their own behalf or on behalf of an aggrieved party. HEW keeps the identity of the complainant confidential if possible. Where there is court action, the identity of all parties involved becomes public record.

HEW does notify by letter an institution's or school district's chief administrator before it begins an investigation. If HEW's finding does not satisfy the complainant, the individual may obtain legal counsel and file for a review of HEW's action by a U.S. Court of Appeals.

Complainants also have the option of not filing a complaint with HEW, but retaining legal counsel to file suit against the accused, using Title IX.

At the beginning of this section, we said that knowing the law gives the person with a grievance one of two necessary tools. With the knowledge of one's legal rights in hand, the aggrieved person can proceed more confidently with the second tool --- using the law and initiating action.

Usually action takes the form of filing a grievance. Section II discusses the procedures for grievance filing.

SECTION II

GENERAL PROCEDURES FOR FILING

A GRIEVANCE WITHIN AN EMPLOYING INSTITUTION

Despite the great diversity of educational systems, there are several common structural components found among most institution's grievance systems.

Any system designed for the purpose of hearing and resolving a grievance should perform two primary functions. First, it should provide a means by which to determine whether an "alleged injury" did result either from an error in the policies and procedures of the institution or from the implementation of such policies and procedures. Second, it should provide the means to reach an equitable solution if an error did occur.[1]

Generally grievance systems include both informal and formal procedures. Both procedures are discussed below.

Informal procedures involve the grievant and his/her supervisor attempting to resolve a problem the grievant perceives to exist. By its very nature, this problem-resolving process is direct and informal, and should be included within a grievance system. Informality does not preclude the necessity for some written accounts however. It is important to the grievant that minutes or a memorandum of record be kept for each conference or meeting no matter how informal the meeting. A copy of the written record should be provided to all participants. The grievant may need to provide this service.

Some situations likely will hinder attempts to resolve a problem by informal means. To illustrate, one's supervisor may lack the necessary authority to resolve the problem, or the supervisor may lack the necessary skill or expertise to solve the problem. When any such circumstance interferes with a satisfactory resolution by grievant and supervisor, the grievant may ask that they seek the assistance of a third person who would be objective, fair, and "free of bias". Such arrangement could be kept on the informal level. If the exercise of such informal procedure fails to provide a satisfactory outcome for the aggrieved, then formal procedures may be put into effect by the grievant.

Formal procedures are begun by the grievant presenting a written complaint to the proper authorities, i.e. to a person or group designated by the institution. (In the event informal procedures were followed first, the written record already will be available for reference in drafting the formal written complaint.) In the written complaint, the grievant specifies the nature of his/her complaint, includes supportive evidence, and states the redress sought. Some institutions may have developed forms which are to be used when submitting a grievance. Other institutions may request that a letter or written document be submitted. Regardless of form or format, the written complaint must be thorough and concise.

[1] W. Todd Furniss, "Grievance Procedures, A Working Paper," (ACE: Washington, D.C. 1975)

Upon its completion, the written complaint is submitted to a designated person or group of people. At some institutions the designee may be an affirmative action director; at others it may be a grievance committee. In either case, the institutional designee must decide which course of action to take upon receipt of a written complaint.

As Furniss has noted, seven options generally are available to the grievance committee or affirmative action director. The options are:

1) refusing any action due to a lack of sufficient evidence;
2) seeking more information through formal fact-finding;
3) immediately referring to a higher authority;
4) calling for a "replay of the procedures" leading to the grievance;
5) passing the complaint to a hearing committee;
6) submitting the complaint to arbitration; or
7) dividing the complaint into its key elements and selecting two or more of the above alternatives.[2]

Assuming the grievance committee (or director) has determined that there is sufficient evidence to support the complaint (whether through option #2 or #4), the committee may decide to refer the complaint to a hearing body (option #3 or #5).

A hearing body or committee is established when the nature of the complaint involves major institutional policies, issues or sanctions, and a quasi-judicial process is required. A hearing body or committee is assigned a particular charge with limited authority and responsibility. It has only the amount of authority given it through its establishment by the "grievance committee" or higher authority. Thus, if the hearing committee decides, on the basis of the evidence presented, that the grievant was "unfairly" treated, this decision alone may be the extent of its assignment and authority. On the other hand, a hearing committee might be requested to determine the legality of a grievance and recommend appropriate redress. In other words, a hearing committee generally will not be authorized to carry out the redress it recommends, i.e. back compensation, promotion, reinstatement, and so forth.

In some instances, an institution's grievance process may provide for arbitration. In the arbitration process, one or more arbitrators may be selected. (For example, each party may select one, and the two in turn select a third). Some institutions may have a permanent arbitrator/ombudsman or affirmative action officer whose sole task is to mediate complaints between employees, students, and departments. How binding the arbitration and the authority of the arbitrator/s will depend on prior arrangements as specified in the grievance procedures established at the institution.

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[2] Ibid pages 12-15

Briefly then, what are the steps involved in filing a grievance at an employing institution?

Step 1 Establish for yourself (with reference to laws) that you have a case. Discuss the situation objectively with your supervisor. Make every effort to resolve it informally. If it can be resolved at Step 1, the grievance process terminates at this point. If you and your supervisor cannot resolve the problem, and further informal referral is pointless, your options are to withdraw the grievance or proceed to Step 2.

Step 2 Prepare a written complaint in conformance with your institution's procedures. If your institution has not completed its procedures, inquire as to what form the written complaint should take. Your case will be received more positively if the written complaint is clearly and succinctly stated and submitted to the designated person or committee.

Step 3 Upon receipt of the written complaint, the designated person or grievance committee will determine if a case exists and if so what action to take.

Step 4 A hearing committee may be formed to examine the grievance in detail (an established grievance or hearing committee may be charged with reviewing all such cases). The grievant will be called upon to present evidence supporting the grievance which may include written data, appearance before the committee, and provision of "witnesses."

Step 5 Await the decisions and recommendations of the committee and the subsequent implementation of those recommendations by the proper authority.

Grievance procedures are designed to resolve mistakes, errors, injustices and discriminations existing in an institution's policies, practices and procedures. A cautionary note is important and appropriate in maintaining a balanced, objective, professional attitude and performance.

One final step is the importance of having a thorough, accurate position description and contract which define your job function and responsibilities, rights and benefits. If you do not now have a written position description, develop one and have it approved by your immediate supervisor. Keep accurate, written records of official business with the institution - your reappointment letters, notices of vacation, benefits, salary, responsibilities and employment policies and practices. If you are requested to assume additional responsibilities, these should be defined clearly in writing. Your employing supervisor and institution will benefit equally through this specificity.

SECTION III

GENERAL PROCEDURES FOR FILING

OUTSIDE AN EMPLOYING INSTITUTION

Each state has agencies designed to handle cases involving discrimination and/or unfair employment practices. Each agency is responsible for "enforcing" various state laws or statutes and reviewing cases under its jurisdiction. Similarly, the federal government has established agencies which are responsible for enforcing laws relating to employment practices (see Sections V & VI). Many of these agencies have developed guidelines and forms for filing complaints. It is important to contact the appropriate agency for the exact information needed.

When to file with a state or federal agency

1. You may file after all procedures at the employing institution have been exhausted and your complaint has not been satisfactorily resolved, and you believe unfair employment practices or discrimination exists.

2. You may file when the nature of the complaint filed within the institution is such that it clearly is a case involving state or federal law. The agency may decide not to take any action until the conclusion of the institution's grievance procedures. If the institution's process results in a negative decision, the state or federal agency may be requested to review both the case and the process followed. Some institutions may decide to suspend the operations of their grievance process to await an external agency's decision (see example in Appendix C, page 27). Check your institution's procedures regarding the possible impact of filing a grievance with an external agency while exercising the internal procedures.

3. When you wish to bypass the internal process altogether. However, depending on the nature of the complaint, the external agency may request that the internal processes be allowed to operate.

Identifying the appropriate agency

See Section V (page 14) to determine which law and corresponding agency relates to a specific complaint.

Filing with a state or federal agency

Generally, the federal government will defer action in a case when the case has also been filed with a state agency. In some situations, where the alleged violation involves federal law only, file only with the appropriate federal agency. However, when both state and federal governments cover the area of the complaint, file with both. The rationale for this is that a complaint will be on file with the state and federal agency should you need to pursue the complaint further.

Some state agencies do not have the power to bind the institution to an unfavorable decision resulting in court action for the grievant and agency. The federal government does have the authority to impose sanctions on institutions for noncompliance with federal laws. however, the track record of HEW and EEOC has been less than adequate in past cases.[3]

Determining the need for legal counsel?

At the point of initiating a grievance procedure within the institution you may wish to seek legal advice. If you have access to appropriate laws and reference materials, you may wish to handle your own case. In either instance you or an attorney will need to determine the following:

1) Whether you have a legitimate complaint within the institution;

2) Whether the institution's policies and procedures and its grievance process are fair and legally correct;

3) Whether a negative decision rendered in behalf of the grievant by the internal process may still result in external processes;

4) Whether to file with a state or federal agency or to file a civil court case; and,

5) Whether to seek legal representation for the protection of your rights within the institution, with state and federal agencies, and, with litigation if required. It is important to note that some internal grievance procedures prohibit the presence of an attorney during the actual hearing.

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[3] "The Federal Civil Rights Enforcement Effort - 1974 Vol. VIII to Ensure Equal Educational Opportunity." A Report of the United States Commission on Civil Rights, January 1975.

SECTION IV

FINAL POINTS

As an employee, you should know and understand the grievance policies and procedures of your employing institution. If you suspect that unfair treatment or discrimination exists, record your impressions and the facts on which you base them. Maintain accurate records concerning your employment responsibilities, terms of employment, official correspondence, and other conditions of employment. Ascertain whether any of your colleagues support your impressions; they can be called upon to provide evidence should you file a grievance.

If your efforts through either informal or formal procedures within the institution do not resolve a problem, you may wish to seek legal counsel from the appropriate state or federal agency or you may wish to engage a private attorney to determine the merits of pursuing the case further.

Seek advice from friends and colleagues you respect and trust. Seek some form of legal advice regarding the possible ramifications of the case, as well as the legalities involved. Question your own motives and objectives and, if you believe you have a valid complaint, proceed within the structure provided.

The National Association for Women Deans, Administrators, and Counselors, publisher of this handbook, is committed to assisting women educators in understanding their rights, and to helping achieve the eventual eradication of unfair and discriminatory employment practices. Educators are encouraged to become informed and to assist their respective institutions in adopting a grievance system which supports employees and strives to take affirmative and remedial action.

SECTION V: SUMMARY OF RELEVANT FEDERAL LAWS

Federal Laws[1] and Regulations Concerning Sex Discrimination in Educational Institutions[2]

October, 1972

Compiled by Project on the Status and Education of Women, Association of American Colleges

	Executive Order 11246 as amended by 11375	Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972	Equal Pay Act of 1963 as amended by the Education Amendments of 1972 (Higher Education Act)	Title IX of the Education Amendments of 1972 (Higher Education Act)[3]	Title VII (Section 799A) & Title VIII (Section 845) of the Public Health Service Act as amended by the Comprehensive Health Manpower Act & the Nurse Training Amendments Act of 1971[4]
Effective date	Oct. 13, 1968	March 24, 1972 (July 1965 for non-professional workers.) (Institutions with 15-24 employees are not covered until March 24, 1973.)	July 1, 1972 (June, 1964, for non-professional workers.)	July 1, 1972 (Admissions provisions effective July 1, 1973.)	Nov. 18,1971
Which institutions are covered	All institutions with federal contracts of over $10,000.[5]	All institutions with 15 or more employees.	All institutions.	All institutions receiving federal monies by way of a grant, loan, or contract (other than a contract of insurance or guaranty).	All institutions receiving or benefiting from a grant, loan guarantee, or interest subsidy to health personnel training programs or receiving a contract under Title VII or VIII of the Public Health Service Act.[6]
What is prohibited	Discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment) on the basis of race, color, religion, national origin or sex. Covers all employees.	Discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training and other conditions of employment) on the basis of race, color, religion, national origin or sex. Covers all employees.	Discrimination in salaries (including almost all fringe benefits) on the basis of sex. Covers all employees.	Discrimination against students or others[7] on the basis of sex.[8]	Discrimination in admission of students on the basis of sex and against some employees.[9]
Exemptions from coverage	None.	Religious institutions are exempt with respect to the employment of individuals of a particular religion or religious order (including those limited to one sex) to perform work for that institution. (Such institutions are not exempt from the prohibition of discrimination based on sex, color and national origin.)	None.	Religious institutions are exempt if the application of the anti-discrimination provisions are not consistent with the religious tenets of such organizations. Military schools are exempt if their primary purpose is to train individuals for the military services of the U.S. or the merchant marine. Discrimination in admissions[10] is prohibited only in vocational institutions (including vocational high schools), graduate and professional institutions, and public undergraduate coeducational institutions.	None.
Who enforces the provisions?	Office of Federal Contract Compliance (OFCC) of the Department of Labor has policy responsibility and oversees federal agency enforcement programs. OFCC has designated HEW as the Compliance Agency responsible for enforcing the Executive Order for all contracts with educational institutions. HEW's Office for Civil Rights (Division of Higher Education) conducts the reviews and investigations.	Equal Employment Opportunity Commission (EEOC).[11]	Wage and Hour Division of the Employment Standards Administration of the Department of Labor.	Federal departments and agencies which are empowered to extend financial aid to educational programs and activities. HEW's Office for Civil Rights (Division of Higher Education) is expected to have primary enforcement powers to conduct the reviews and investigations.[12]	HEW's Office for Civil Rights (Division of Higher Education) conducts the reviews and investigations.
How is a complaint made?	By letter to OFCC or Secretary of HEW.	By a sworn complaint form obtainable from EEOC.	By letter, telephone call, or in person to the nearest Wage and Hour Division office.	Procedure not yet specified. A letter to Secretary of HEW is acceptable.	Procedure not yet specified. A letter to Secretary of HEW is acceptable.
Can complaints of a pattern of discrimination be made as well as individual complaints?	Yes. However, individual complaints are referred to EEOC.	Yes.	Yes.	Yes.	Yes.
Who can make a complaint?	Individuals and/or organizations on own behalf or on behalf of aggrieved employee(s) or applicant(s).	Individuals and/or organizations on own behalf or on behalf of aggrieved employee(s) or applicant(s). Members of the commission may also file charges.	Individuals and/or organizations on own behalf or on behalf of aggrieved employee(s).	Individuals and/or organizations on own behalf or on behalf of aggrieved party.	Individuals and/or organizations on own behalf or on behalf of aggrieved party.
Time limit for filing complaints	180 days.	180 days.	No official limit, but recovery of back-wages is limited by statute of limitations to two years for a non-willful violation and three years for a willful violation.	Procedure not yet determined.	Procedure not yet determined.
Can investigations be made without complaints?	Yes. Government can conduct periodic reviews without a reported violation, as well as in response to complaints. Pre-award reviews are mandatory for contracts over $1,000,000.	No. Government can conduct investigations only if charges have been filed.	Yes. Government can conduct periodic reviews without a reported violation as well as in response to complaints.	Yes. Government can conduct periodic reviews without a reported violation, as well as in response to complaints.	Yes. Government can conduct periodic reviews without a reported violation, as well as in response to complaints.

Can the entire institution be reviewed?	Yes. HEW may investigate part or all of an institution.	Yes. EEOC may investigate part or all of an establishment.	Yes. Usually the Wage Hour Division reviews the entire establishment.	Yes. HEW may investigate those parts of an institution which receive federal assistance (as well as other parts of the institution related to the program, whether or not they receive direct federal assistance). If the institution receives general institutional aid, the entire institution may be reviewed.	Yes. HEW may investigate those parts of an institution which receive federal assistance under Title VII and VIII (as well as other parts of the institution related to the program, whether or not they receive assistance under these titles).
Record keeping requirements and government access to records	Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records.	Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records.	Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records.	Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records.	Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records.
Enforcement power and sanctions	Government may delay new contracts, revoke current contracts, and debar institutions from eligibility for future contracts.	If attempts at conciliation fail, EEOC or the U.S. Attorney General may file suit.[9] Aggrieved individuals may also initiate suits. Court may enjoin respondent from engaging in unlawful behavior, order appropriate affirmative action, order reinstatement of employees, and award back pay.	If voluntary compliance fails,[10] Secretary of Labor may file suit. Aggrieved individuals may initiate suits when Department of Labor has not done so. Court may enjoin respondent from engaging in unlawful behavior, and order salary raises, back pay and assessed interest.	Government may delay new awards, revoke current awards, and debar institution from eligibility for future awards. Department of Justice may also bring suit at HEW's request.	Government may delay new awards, revoke current awards, and debar institution from eligibility for future awards. Department of Justice may also bring suit at HEW's request.
Can back pay be awarded?	Yes. HEW will seek back pay only for employees who were not previously protected by other laws allowing back pay.	Yes. For up to two years prior to filing charges with EEOC.	Yes. For up to two years for a nonwillful violation and three years for a willful violation.	Probably, to the extent that employees are covered.	Probably, to the extent that employees are covered.
Affirmative action requirements *(There are no restrictions against action which is nonpreferential)*	Affirmative action plans (including numerical goals and timetables) are required of all contractors with contracts of $50,000 or more and 50 or more employees.[8]	Affirmative action is not required unless charges have been proved, in which case it may be included in conciliation agreement or be ordered by the court.	Affirmative action, other than salary increases and back pay, is not required.	Affirmative action may be required *after* discrimination is found.	Affirmative action may be required *after* discrimination is found.
Coverage of labor organizations	Any agreement the contractor may have with a labor organization can not be in conflict with the contractor's affirmative action commitment.	Labor organizations are subject to the same requirements and sanctions as employers.	Labor organizations are prohibited from causing or attempting to cause an employer to discriminate on the basis of sex. Complaints may be made and suits brought against these organizations.	Procedure not yet clear. Any agreement the institution may have with a labor organization can not be in conflict with the nondiscrimination provisions of the legislation.	Procedure not yet clear. Any agreement the institution may have with a labor organization can not be in conflict with the nondiscrimination provisions of the legislation.
Is harassment prohibited?	Institutions are prohibited from discharging or discriminating against any employee or applicant for employment because he/she has made a complaint, assisted with an investigation or instituted proceedings.	Institutions are prohibited from discharging or discriminating against any employee or applicant for employment because he/she has made a complaint, assisted with an investigation or instituted proceedings.	Institutions are prohibited from discharging or discriminating against any employee because he/she has made a complaint, assisted with an investigation or instituted proceedings.	Institutions will be prohibited from discharging or discriminating against any participant or potential participant because he/she has made a complaint, assisted with an investigation or instituted proceedings.	Institutions will be prohibited from discharging or discriminating against any participant or potential participant because he/she has made a complaint, assisted with an investigation or instituted proceedings.
Notification of complaints	Notification of complaints has been erratic in the past. HEW is proposing notifying institutions of complaints within 10 days. HEW notifies institutions a few weeks prior to investigation.	EEOC notifies institutions of complaints within 10 days.	Complaint procedure is very informal. Employer under review may or may not know that a violation has been reported.	Procedure not yet determined.	Procedure not yet determined.
Confidentiality of names	Individual complainant's name is usually given to the institution. Investigation findings are kept confidential by government, but can be revealed by the institution. Policy concerning government disclosure concerning investigations and complaints has not yet been issued. The aggrieved party and respondent are not bound by the confidentiality requirement.	Individual complainant's name is divulged when an investigation is made. Charges are not made public by EEOC nor can any of its efforts during the conciliation process be made public by the commission or its employees. If court action becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement.	The identity of a complainant, as well as the employer (and union, if involved), is kept in strict confidence.[11] If court action becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement.	Identity of complainant is kept confidential if possible. If court action becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement.	Identity of complainant is kept confidential if possible. If court action becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement.
For further information, contact	Division of Higher Education Office for Civil Rights Department of HEW Washington, D.C. 20201 or Office of Federal Contract Compliance Employment Standards Administration Department of Labor Washington, D.C. 20210 or Regional HEW or DOL Office	Equal Employment Opportunity Commission 1800 G Street, N.W. Washington, D.C. 20506 or Regional EEOC Office	Wage and Hour Division Employment Standards Administration Department of Labor Washington, D.C. 20210 or Field Area, or Regional Wage and Hour Office	Division of Higher Education Office for Civil Rights Department of HEW Washington, D.C. 20201 or Regional HEW Office	Division of Higher Education Office for Civil Rights Department of HEW Washington, D.C. 20201 or Regional HEW Office

Footnotes

General

1. State employment and/or human relations laws may also apply to educational institutions. The Equal Rights Amendment to the U.S. Constitution, passed by the Congress and now in the process of ratification would, when ratified, forbid discrimination in publicly supported schools at all levels, including students and faculty.

2. Unless otherwise specified, "institution" includes public and private colleges and universities, elementary and secondary schools, and preschools.

3. A bona fide seniority or merit system is permitted under all legislation, provided the system is not discriminatory on the basis of sex or any other prohibited ground.

4. There are no restrictions against making a complaint under more than one anti-discrimination law at the same time.

5. This time limit refers to the time between an alleged discriminatory act and when a complaint is made. In general, however, the time limit is interpreted liberally when a continuing practice of discrimination is being challenged, rather than a single, isolated discriminatory act.

6. Back pay cannot be awarded prior to the effective date of the legislation.

Executive Order 11246 as amended by 11375

7. The definition of "contract" is very broad and is interpreted to cover all government contracts (even if nominally entitled "grants") which involve a benefit to the federal government.

8. As of January 19, 1973, all covered educational institutions, both public and private, must have *written* affirmative action plans.

Title VII of the Civil Rights Act of 1964

9. In certain states that have fair employment laws with prohibitions similar to those of Title VII, EEOC automatically defers investigation of charges to the state agency for 60 days. (At the end of this period, EEOC will handle the charges unless the state is actively pursuing the case. About 85 per cent of deferred cases return to EEOC for processing after deferral.)

10. Due to an ambiguity in the law as it relates to public institutions, it is not yet clear whether EEOC *or* the Attorney General will file suit in all situations which involve public institutions.

Equal Pay Act of 1963 as amended by the Education Amendments of 1972 (Higher Education Act)

11. Over 95 per cent of all Equal Pay Act investigations are resolved through voluntary compliance.

12. Unless court action is necessary, the name of the parties need not be revealed. The identity of a complainant or a person furnishing information is never revealed without that person's knowledge and consent.

Title IX of the Education Amendments of 1972 (Higher Education Act)

(Minority women are also protected from discrimination on the basis of their race or color by Title VI of the Civil Rights Act of 1964.)

13. Final regulations and guidelines for Title IX of the Education Amendments of 1972 have not yet been published. This chart includes information which is explicitly stated in the law, as well as how the law is likely to be interpreted in light of other precedents and developments.

14. The sex discrimination provision of Title IX is patterned after Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color and national origin in all federally assisted programs. By specific exemption, the prohibitions of Title VI do not cover employment practices (except where the primary objective of the federal aid is to provide employment). However, there is no similar exemption for employment in Title IX.

15. Title IX states that: "No person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. . . ."

16. The following are exempted from the *admissions* provision:

Private undergraduate institutions.

Elementary and secondary schools other than vocational schools.

Single-sex public undergraduate institutions. (If public single-sex undergraduate institutions decide to admit both sexes, they will have 7 years to admit female and male students on a nondiscriminatory basis, provided their plans are approved by the Commissioner of Education.)

Note 1. *These exemptions apply to admissions only.* Such institutions are still subject to all other anti-discrimination provisions of the Act.

Note 2. Single-sex professional, graduate and vocational schools at all levels have until July, 1979, to achieve nondiscriminatory admissions, provided their plans are approved by the Commissioner of Education.

17. Under Title VI of the 1964 Civil Rights Act, which Title IX of the Education Amendments closely parallels, federal agencies which extend aid to educational institutions have delegated their enforcement powers to HEW. A similar delegation of enforcement power is expected under Title IX.

Title VII & Title VIII of the Public Health Service Act as amended by the Comprehensive Health Manpower Act & the Nurse Training Amendments Act of 1971

18. Final regulations and guidelines for Title VII and VIII of the Public Health Service Act have not yet been published. This chart includes information which is explicitly stated in the law, as well as how the law is likely to be interpreted in light of other precedents and developments.

19. Schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, public health, allied public health personnel and nursing are specifically mentioned in Titles VII and VIII. Regulations issued June 1, 1972, by the Secretary of HEW specify that *all* entities applying for awards under Titles VII or VIII are subject to the nondiscrimination requirements of the act.

20. HEW regulations state: "Nondiscrimination in admission to a training program includes nondiscrimination in all practices relating to applicants to and students in the program; nondiscrimination in the enjoyment of every right, privilege and opportunity secured by admission to the program; and nondiscrimination in all employment practices relating to employees working directly with applicants to or students in the program."

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APPENDIX A - RELEVANT FEDERAL AGENCIES

Office of Federal Contract Compliance *
Employment Standards Administration
U.S. Department of Labor
Washington, D.C. 20210

Social Security Administration
U.S. Department of Health, Education and Welfare
Washington, D.C. 20201

Wage and Hour Division *
Fair Labor Standards Administration
U.S. Department of Labor
Washington, D.C. 20210

U.S. Equal Employment Opportunity Commission **
Washington, D.C. 20506

Women's Bureau
Employment Standards Administration
U.S. Dept. of Labor
Washington, D.C. 20210

Office of Civil Rights ***
U.S. Dept of HEW
Washington, D.C. 20201

Occupational Safety & Health Administration
U.S. Dept of Labor
Washington, D.C. 20210

Division of Higher Education *
Office of Civil Rights
Department of HEW
Washington, D.C. 20201

* Regional Offices - check your phone book for listing or contact the Washington office for nearest regional office.

*** Regional Offices located in:

Atlanta	Kansas City
Boston	New York
Chicago	Philadelphia
Dallas	San Francisco
Denver	Seattle

** REGIONAL OFFICES, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

OFFICES	STATES
ATLANTA REGIONAL OFFICE Citizens Trust Building Suite 1150 75 Piedmont Avenue, N.E. Atlanta, Georgia 30303 (404) 526-6991	Alabama, Canal Zone, Florida Georgia, Kentucky, North Carolina, Mississippi, South Carolina, Tennessee
CHICAGO REGIONAL OFFICE 600 South Michigan Ave. Rm 611 Chicago, Illinois 60605 (312) 353-1223	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
DALLAS REGIONAL OFFICE 1100 Commerce St., Rm. 5A4 Dallas, Texas 75202 (214) 749-1841	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
KANSAS CITY REGIONAL OFFICE 601 E. 12th St. Rm. 113 Kansas City, Missouri 64106 (816) 374-2781	Iowa, Kansas, Missouri, Nebraska
NEW YORK REGIONAL OFFICE Federal Office Building Room 4000 26 Federal Plaza New York, New York 10007 (212) 264-3640	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Vermont
PHILADELPHIA REGIONAL OFFICE Jefferson Building 1015 Chestnut Street Philadelphia, Pennsylvania 19107 (215) 597-7784	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
SAN FRANCISCO REGIONAL OFFICE 300 Montgomery St., Suite 740 San Francisco, California 94104 (415) 556-1775	Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, Samoa, South Dakota, Utah, Wake Island, Washington, Wyoming

APPENDIX B - RELEVANT STATE AGENCIES

Labor Offices and Human Rights Commissions

Alabama: Department of Industrial Relations,
Industrial Relations Building
Montgomery, 36104

Alaska: Department of Labor
P.O. Box 1149
Juneau, 99801
State Commission for Human Rights
Suite 3, 2457 Artic Boulevard
Anchorage, 99504

Arizona: Industrial Commission
1601 West Jefferson Street
P.O. Box 19070
Phoenix 85005
Civil Rights Division
1645 West Jefferson St.
Phoenix 85007

Arkansas: Department of Labor
Capitol Hill Building
Little Rock, 72201

California: Department of Industrial Relations
455 Golden Gate Avenue
San Francisco 94102

Colorado: Department of Labor and Employment
200 East Ninth Ave.
Denver 80203
Colorado Civil Rights Commission
Room 312 State Services Building
1525 Sherman St.
Denver, 80203

Connecticut: Labor Department
200 Folly Brook Boulevard
Wethersfield 06109
Commission on Human Rights and Opportunities
90 Washington St.
Hartford, 06115

Delaware: Department of Labor
801 West Street
Wilmington 19899

District of Columbia: Minimum Wage and Industrial Safety Board
Room 615, 614 H Street NW.,
Washington, D.C. 20001
District of Columbia Human Rights Commission
Room 22, District Bldg.
14th and E. Streets, N.W.
Washington, DC 20004

Florida: Division of Labor
Ashley Building
Tallahassee 32301
Florida Commission on Human Relations
2571 Executive Center Circle East
Tallahassee 32301

Georgia: Department of Labor
State Labor Building
Atlanta 30334

Guam: Department of Labor
Government of Guam
P.O. Box 2950
Agana 96910

Hawaii: Department of Labor and Industrial Relations
823 Mililani Street
Honolulu 96813

Idaho: Department of Labor and Industrial Services
Room 300, Industrial Administration Bldg.
317 Main Street
Boise, 83720
Commission on Human Rights
506 North Fifth
Boise, 83720

Illinois: Department of Labor
160 North LaSalle St.
Chicago 60601
Fair Employment Practices Commission
Suite 450, 179 W. Washington St.
Chicago 60602

Indiana: Division of Labor
Indiana State Office Bldg.
Room 1013, 100 North Senate Ave.
Indianapolis 46204
Civil Rights Commission
319 State Offide Building
100 Senate Ave.
Indianapolis, 46204

Iowa: Bureau of Labor
State House,
E. Seventh and Court Ave., 4th Floor
Des Moines, 50319
Iowa Civil Rights Commission
State Capitol Bldg.
Des Moines 50319

Kansas: Department of Labor
401 Topeka Ave.
Topeka 66603
Commission on Civil Rights
Room 1155-W.,
State Office bldg.
Topeka, 66612

Kentucky: Department of Labor
Capital Plaza Tower
Frankfort 40601
Human Rights Commission
Capital Plaza Tower
Frankfort 40601

Louisiana: Department of Labor
1045 State Land and Natural Resources Bldg.
P.O. Box 44063
Baton Rouge, 70804

Maine: Bureau of Labor and Industry
Capital Plaza, Western Ave.
Augusta 04330
Maine Human Rights Commission
Western Ave.
Augusta 04330

Maryland: Department of Licensing and Regulation
203 East Baltimore St.
Baltimore 21202
State and Maryland Commission on Human Relations
Mount Vernon Bldg.
701 St. Paul St.
Baltimore 21202

Massachusetts: Department of Labor and Industries
State Office Bldg.
Government Center, 100 Cambridge St.
Boston 02202
Commission Against Discrimination
120 Tremont St.
Boston, 02108

Michigan: Department of Labor
300 East Michigan Ave.
Lansing, 48913
Civil Rights Commission
1000 Cadillac Square Bldg.
Detroit 48226

Minnesota: Department of Labor and Industry
Space Center, 5th Floor
444 Lafayette Rd.
St. Paul, 55101
Department of Human Rights
200 Capitol Square Bldg.
St. Paul 55101

Mississippi: Employment Security Commission
P.O. Box 1699
Jackson, 39205

Missouri: Department of Labor and Industrial Relations
1904 Missouri Boulevard,
Jefferson City 65101
Commission on Human Rights
314 East High
Jefferson City 65101

Montana: Department of Labor and Industry
1311 Helena Ave.
59601 (Includes Human Rights Bureau)

Nebraska: Department of Labor
550 South 16th Street
Box 94600, State House Station
Lincoln, 68509
Equal Opportunity Commission
233 South 14th St.
Lincoln 68508

Nevada: Department of Labor
Room 214, 111 W. Telegraph St.
Carson City 89701
Nevada Commission on Equal Rights of Citizens
215 E. Bonanza Rd.
Las Vegas 89101

New Hampshire: Department of Labor
1 Pillsbury St.
Concord, 03301
New Hampshire Commission for Human Rights
66 South St.
Concord, 03301

New Jersey: Department of Labor and Industry
Labor and Industry Bldg.
John Fitch Plaza
Trenton 08625
Division on Civil Rights
436 East State St.
Trenton 08608

New Mexico: Labor and Industrial Commission
Room 129, Villagra Bldg.
Sante Fe, 87501
Human Rights Commission
Room 121, Villagra Bldg.
408 Galisteo St.
Sante Fe 87501

New York Department of Labor
State Campus
Albany 12201
Division of Human Rights
270 Broadway
New York City 10007

North Carolina: Department of Labor
Labor Building, P.O. Box 27407
Raleigh 27611

North Dakota: Department of Labor
State Capitol
Bismarck, 58501

Ohio: Department of Industrial Relations
2323 W. Fifth Ave.
Columbus 43215
Civil Rights Commission
240 Parsons Ave
Columbus, 43215

Oklahoma: Department of Labor
State Capitol,
Oklahoma City 73105

Oregon: Bureau of Labor
115 Labor and Industries Bldg.
Salem 97310
Civil Rights Division
1400 SW. Fifth Ave.
Portland 97201

Pennsylvania: Department of Labor and Industry
Labor and Industry Bldg.
Harrisburg, 17120
Pennsylvania Human Relations Commission
100 N. Cameron St.
Harrisburg, 17101

Puerto Rico: Department of Labor
414 Barbosa Ave
Hato Rey 00917

Rhode Island: Department of Labor
235 Promenade St.
Providence 02908
Commission for Human Rights
244 Broad St.
Providence 02903

South Carolina: Department of Labor
1710 Gervais St.
P.O. Box 11329
Columbia 29211
State Human Affairs Commission
1111 Belleview St.
Columbia 29211

South Dakota: Division of Labor and Management Relations
Office Building #2
Pierre, 57501
State Commission on Human Rights
State Capitol
Pierre, 57501

Tennessee: Department of Labor
CI-100 Cordell Hull Bldg.
Nashville 37219
Human Development Commission
C3-305 Cordell Hull Bldg.
Nashville, 37219

Texas: Department of Labor and Standards
Box 12157
Capitol Station
Austin, 78711

Utah: Industrial Commission
350 East 500 South
Salt Lake City, 84111 (Includes Anti-Discrimination Division)

Vermont: Department of Labor and Industry
State Office Bldg.
Montpelier 05602

Virginia: Department of Labor and Industry
P.O. Box 1814
Ninth Street Office Bldg.
Richmond 23214

Virgin Islands: Department of Labor
P.O. Box 708
Christiansted, St. Croix 00820

Washington: Department of Labor and Industries
General Administration Bldg.
Olympia 98504
Washington State Human Rights Commission
1411 Fourth Ave. Bldg.
Seattle, 98101

West Virginia: Department of Labor
Capitol Complex
1900 Washington St. East, Charleston 25305
Human Rights Commission
1591 E. Washington St.
Charleston, 25305

Wisconsin: Department of Industry
Labor and Human Relations
201 E. Washington Ave.
P.O. Box 2209
Madison 53701 (Includes Equal Rights Division)

Wyoming: Department of Labor and Statistics
304 Capitol Bldg.
Cheyenne 82001
Fair Employment Practices Commission
304 Capitol Bldg.
Cheyenne 82002

Source: "A Working Woman's Guide to Her Job Rights"
U.S. Dept. of Labor, Emp. Stand. Adm. Women's Bureau

APPENDIX C

Office of the President

Onondaga Community College

Administrative Memorandum Number .009

DATE: December 19, 1975

GRIEVANCE PROCEDURES FOR THE AFFIRMATIVE ACTION COMMITTEE

In order to comply with Title IX of the Education Act of 1975, HR 11246. regarding affirmative action, and other regularions and laws concerning discrimination at institutions of higher education, Onondaga Community College has established the following procedures for resolving charges of discrimination.

1. Definition and Statute of Limitations

a) The term "grievance" shall mean any complaint by a student or employee or groups of students or employees that there has been a "violation", "misinterpretation", or "inequitable application" of policies, procedures, or treatment because of race, color, sex, religion, age, physical handicap, or ethnicity.

b) Grievants shall have 60 working days to initiate the procedures outlined below. The time limit of 60 days shall apply from the time when the grievant knew or should have known that the alleged grievance occurred and/or when the grievant became aware of the grievance. This limitation is to encourage timely disposal of grievances rather than to preclude them; therefore, any grievance may be regarded as timely under special consideration.

2. Grievance Procedures

a) All grievances shall be presented and adjusted in the following manner:

Step I: 1) A grievant will discuss the grievance informally with the Affirmative Action Officer, who shall attempt in good faith to resolve the differences.

2) It is the responsibility of the Affirmative Action Officer to inform the grievant of procedures and rights of grievants and to assist in assuring protection of the grievant.

Grievance Procedures (continued)

3) The Affirmative Action Officer will inform the grievant promptly of the outcome of informal resolution attempts.

Step II: If the grievance is not satisfactorily resolved, the grievant shall file a written complaint with the Action Officer. The Affirmative Action Committee will meet within five working days to consider the grievance. The grievant may be accompanied by a representative of his choice except legal counsel.

a) The Committee shall have the right to conduct an inquiry, hold hearings, review files, and to investigate thoroughly the charges in order to render a recommendation. The Committee shall keep a written record of its deliberations and findings.

Step III: The recommendation of the Affirmative Action Advisory Committee shall be reported in writing to the President of the College through the Affirmative Action Officer; the President shall use his authority to implement those recommendations with which he concurs. In cases where the Affirmative Action Advisory Committee is not unanimous, all recommendations will be forwarded to the President by the Affirmative Action Officer. The decision to accept or reject any of the Committee's recommendations rests solely and finally with the President.

3. Additional Remarks:

a) At any step an equitable resolution may be reached and the grievance concluded at that point.

b) If a grievant decides to file a grievance simultaneously with an external agency, the Affirmative Action Advisory Committee shall decide whether to continue its investigation or to adjourn until the external agency acts.

UNIVERSITY OF VERMONT

REPORT OF FORMAL GRIEVANCE

TO: _____

FROM: _____
(Employee Name)

DEPT: _____ SCHOOL/COLLEGE/DIVISION: _____

JOB TITLE: _____ IMMEDIATE SUPERVISOR: _____

Describe the nature of the complaint: _____

_____

_____

Did you speak with your supervisor? _____ Date? _____

What was the supervisor's response? _____

_____

_____

Was the complaint finally settled? _____
(Yes or No)

How? _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Employee Signature: _____ Date: _____

GRIEVANCE PROCEDURE

If a problem develops over wage or salary rates, job assignment, or other related conditions of employment, the employee may seek and receive assistance and guidance in the proper submission of a grievance from a representative of the NAEC Grievance Committee.

1. The problem or difference should first be verbally discussed with the employee's immediate supervisor.

2. If, after discussion with the supervisor, the matter is not satisfactorily resolved within five (5) working days, the problem shall be written and submitted on provided forms to the Personnel Department. The distribution of the grievance form will be as follows: original to next higher administrative level; copy to Personnel; copy to the Non-Academic Employees Council; and a copy to be retained by the employee.

3. If, after the second level, all attempts at resolution have failed within seven (7) working days, the matter will be referred in writing through the Personnel Department to the dean of the college or appropriate administrative officer with notication to the Non-Academic Employees Council. At this level and all succeeding steps, the employee may request and be accompanied to any interview relating to the specific grievance by a representative of the Non-Academic Employees Council.

4. If, after a period of ten (10) working days, a resolution of the dispute or problem has not been reached at the third level, all previously written information, data, and written opinions of the dean or senior administrative officer, the Personnel Director, and written comments shall be forwarded to the President or his designee for final resolution. The Council may at this time submit its written comments.

5. The President or his designee shall, within fifteen (15) working days after receipt of the problem, render a final decision to resolve the issue notifying the employee, the Personnel Director, and the Non-Academic Employees Council.

APPENDIX I

FORT WAYNE COMMUNITY SCHOOLS

Fort Wayne, Indiana

PROFESSIONAL GRIEVANCE FORM

Name of Aggrieved ..... Date Filed .....

School ..... Assignment .....

Date of Grievance .....

Statement of Grievance .....

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.....

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.....

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Recommended Solution .....

.....

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Signed .....

Signed .....

Received By ..... Date Received .....

Level of Process and Referral Date: .....

Principal or ( ) Unit Head	( ) Superintendent	( ) Board	( ) Arbitration
Date	Date	Date	Date .....
By	By	By	By .....

PROFESSIONAL GRIEVANCE FORM (continued)

This answer and action side of the Grievance Form is to be used by all levels of progression in the grievance procedure. The level is to be identified by checking the proper box below:

( ) Principal ( ) Superintendent ( ) Board

and attaching a new answer form if necessary.

Answer or Disposition .....

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By .....

Date .....

Action by Aggrieved: ( ) Accepted Answer
( ) Rejected Answer and Referred on

If Rejected, Give Reason: .....

.....

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.....

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.....

.....

By .....

Date .....35.....

STATE OF ILLINOIS

FAIR EMPLOYMENT PRACTICES COMMISSION

Main Office –
189 West Madison St.
9th Floor
Chicago, Illinois 60602
312-793-2240

103 Centennial Bldg.
Springfield, Illinois
62706
217-525-7643

4622 S. Martin Luther King Dr.
Chicago, Illinois
60653
312-268-6560

3116 West North Avenue
Chicago, Illinois 60647
312-252-5551

FOR OFFICE USE ONLY

Date Filed: _____

No.: _____

CHARGE OF UNFAIR EMPLOYMENT PRACTICE
(This form to be filed in quadruplicate)

I, _____
(Complainant)

Address _____

Telephone _____ charge on my own behalf to have been personally aggrieved

by an unfair employment practice committed by _____
(Respondent)

Address _____

Telephone _____ on the _____ day of _____

197__ at _____

because of my __ race, __ color, __ religion, __ national origin __ ancestry, __ sex,

__ other _____.

The facts of the alleged unfair employment practice are:

I have not commenced any other action in any other forum, based upon the charge set forth above, except:

_____
Signature of Complainant

_____, being first duly sworn, deposes and says that he is the complainant herein, that he has read the foregoing charge and knows the contents thereof, that the same are true and correct.

_____
Signature of Complainant

SUBSCRIBED and sworn to before me this
day of _____ 19__, at _____
_____, Illinois.

_____
(Notary Public)

My commission expires on _____

(If additional space is needed, use the reverse side.)

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(PLEASE PRINT OR TYPE)

CHARGE OF DISCRIMINATION	EEOC Charge No.	Form Approved OUB No.
Instructions If you have a complaint, fill in this form and mail it to the Equal Employment Opportunity Commision's District Office in your area. In most cases, a charge must be filed with the EEOC within a specified time after the discriminatory act took place. It is therefore important to file your charge as soon as possible. *(Attach extra sheets of paper if necessary.)*		CAUSE OF DISCRIMINATION ___ Race or Color ___ Religious Creed ___ National Origin ___ Sex
Name *(Indicate Mr. or Ms.)*		Date of Birth
Street Address	County	Social Security No.
City, State, Zip Code		Telephone No.
The Following Person Always Knows Where To Contact Me		
Name *(Indicate Mr. or Ms.)*		Telephone No.
Street Address	City, State, Zip Code	
OTHERS WHO DISCRIMINATED AGAINST YOU *(If Any)*		
Charge Filed With State/Local Govt. Agency ___YES ___NO	Date Filed	Agency Charge Filed With *(Name & Address)*
Approx. No. of Employees/Members of Company or Union This Charge Is Filed Against		Date Most Recent or Continuing Discrimination Took Place *(Month, day, year)*
Explain what unfair thing was done to you and how other persons were treated differently. Understanding that this statement is for the use of the United States Equal Employment Opportunity Commission, I hereby certify:		
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.		Subscribed and Sworn to Before Me This Date *(Day, month, year)*
Date / Charging Party *(Signature)*		Signature *(If it is difficult for you to get a Notary Public to sign this, sign your own name and mail to the EEOC. The Commission will notarize the charge for you.*
Subscribed and Sworn to Before This EEOC Representative Date / Signature & Title		

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NAWDAC STATEMENT OF PRINCIPLE,

PURPOSE AND PROFESSIONAL STANDARDS OF CONDUCT

Prologue

The dynamics of educational change are creating professional problems of uncertainty, conflict, and confusion. They are attended by problems of unethical conduct, particularly in the employment relationship of educators and institutions of learning.

In keeping with its high ideals of professional standards, conduct and service, the National Association for Women Deans, Administrators, and Counselors (NAWDAC) restates anew its Professional Standards of Conduct. This statement is bound to and reflective of the Association's purposes and guiding principle.

At its inception, the Association was an organization for Deans of Women. With the growth of student personnel services in American education, the Association's membership became more diverse, including women deans, counselors and other student personnel workers. Now, NAWDAC's membership is even more diversified, including graduate students, Panhellenic representatives and women educators across the full spectrum of professional titles -- teacher, administrator, researcher, student personnel worker; and across all educational levels -- kindergarten through postsecondary education. The diversification of educational roles represented in NAWDAC's membership reflects the growth of American education.

Changing titles and roles within its membership have not altered the Association's continuing emphasis upon student personnel work and the educational philosophy it embraces. It is the guiding principle, purpose and professional standards of NAWDAC that bind the Association's membership in common cause, commitment and approach to education.

Principles and Purpose

The guiding principle of NAWDAC is its educational philosophy which maintains that the education of students is more than intellectual development and scholarly achievement. Education is the process by which an individual student develops as an integrated, whole person -- intellectually, socially, emotionally, morally, physically. Students are regarded as responsible participants in their own development, not as passive recipients of skills and doctrines.

The basic purpose of NAWDAC is to provide information, assistance and support for educators as they serve students at all levels of education. NAWDAC is a professional organization for educators who view human development and learning as life-long processes.

Membership in this Association presumes responsibility to assist in effecting those necessary changes in the educational environment that may facilitate the full realization of human potential.

NAWDAC members are committed to the development and performance of educational responsibilities at the highest professional level.

NAWDAC members strive to uphold personal and professional standards of conduct that will enhance the education profession and the status of women in the profession.

Professional Standards of Conduct

The National Association for Women Deans, Administrators, and Counselors holds the following to be the responsibilities and rights of educators at all levels of education, be they student personnel workers, administrators, faculty, researchers.

A. Responsibilities of the Educator

The educator has the responsibility to:

1. Help make necessary changes in the educational environment which will facilitate the learning process and help students develop as self-directing individuals.

2. Accord all students respect and human dignity, and to reflect, in all relationships with students, her/his appreciation for learning and human development as life-long processes.

3. Conduct her/his professional activities in accord with the institution's stated objectives and policies, and in a manner that maintains and perpetuates institutional and personal relationships of mutual trust and openness.

4. Participate, within the limits and authority of the position, in the formulation, implementation and evaluation of policies that affect her/his area of responsibility.

5. Propose program and staff budget requirements needed to fulfill the responsibilities of the area to which assigned.

6. Perform all duties and responsibilities of the position, as established and specified by the institution in a written statement of the conditions of employment.

7. Accurately represent professional qualifications.

8. Provide information only when such release clearly does not violate the confidentiality of records and only when disclosure serves professional purposes or is required by law.

9. Be informed of and utilize opportunities for professional growth, including professional conferences, workshops, institutes, advanced course work, sabbaticals and leaves of absence.

10. Conduct a continuing review of described responsibilities and seek ways to improve the existing professional climate.

11. Encourage, support and abide by written institutional policies and procedures requiring open search, interview and final selection of candidates for appointment to all positions.

12. Evaluate her/his own effectiveness in fulfilling job responsibilities and expectations.

13. Adhere to the terms of the written contractual agreement of employment with an institution; and to give the institution fair and ample advance written notification of resignation.

B. Rights of Educator

The educator has the right to:

1. Adequate authority to carry out the responsibilities of her/his position.

2. Be accorded respect and human dignity as an individual, and be free of capricious or arbitrary action by the employer in matters related to educational philosophy, conduct of responsibilities, term and conditions of employment, and professionally-unrelated personal circumstances.

3. A supportive institutional environment in order that her/his responsibilities can be carried out under conditions that maintain and perpetuate institutional and personal relationships of mutual trust and openness.

4. Established procedures that assure the educator's participation in policy action that affects her/his area of responsibility.

5. Sufficient resources to be able to carry out the responsibilities which assigned in a manner consistent with the institution's expectations of quality.

6. Receive from the employment institution, at the time of contractual agreement, a written statement of the conditions of employment, including responsibilities of the position, term of office, title, salary, fringe benefits, evaluation process and procedures.

7. Consideration for employment and for career advancement opportunities within an institution without regard to sex, color, national origin, race, religion, or age.

8. Protection by the institution when placed in a position of personal and/or legal jeopardy while performing prescribed duties and responsibilities.

9. Institutional support, and to a policy of equitable means for its distribution among all staff, for professional growth through such activities as planned leaves of absence, sabbaticals, attendance at professional conferences, institutes, workshops.

10. Due process with opportunity for appeal in situations related to evaluation by the institution of employee effectiveness in carrying out prescribed duties and responsibilities.

11. Written institutional policies and procedures that assure open search, interview and final selection of candidates for appointment to all positions.

12. Regular, formal reviews of job performance, to participation in the evaluation process, and to the results of such evaluations.

13. Receive a written contractual agreement of employment from an institution, specifying the term of appointment; and to receive fair and ample advance written notification in the event of appointment termination.

14. Written institutitional policies that guarantee educators rights, privileges, responsibilities, rank, salary, promotion, committee membership, and interaction within the institution without discrimination on the basis of sex, color, national origin, race, religion, or age.

NOTE: The NAWDAC Statement of Principle, Purpose and Professional Standards of Conduct was drafted by the 1975-1976 NAWDAC Commission on Professional Employment Practices Dorothy Bell, Chairperson. This Statement was formally adopted by the NAWDAC membership at the Annual Meeting in New Orleans on March 20, 1976.

A Grievance Handbook for Women Educators was prepared by the 1976-1977 NAWDAC Commission on Professional Employment Practices.

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